

1 SHAWN SELEY, individually and on behalf)
 of all others similarly situated,)

Case No. C 06-4987 PVT

2 Plaintiff,)

3 vs.)

4 RAMBUS, INC, a corporation, and Does 1)
 5 through 100.)

6 Defendant.)

7)
 8 GREGORY ALVAREZ, individually and on)
 behalf of all others similarly situated,)

Case No. C 06-4997 RS

9 Plaintiff,)

10 vs.)

11 RAMBUS, INC, a corporation, and Does 1)
 12 through 100.)

13 Defendant.)

14)
 15 JASON WINDER, individually and on)
 behalf of all others similarly situated,)

Case No. C 06-5455 RS

16 Plaintiff,)

17 vs.)

18 RAMBUS, INC, a corporation, and Does 1)
 19 through 100.)

20 Defendant.)

21)
 22)
 23 WHEREAS, there are presently five related antitrust actions on behalf of consumers of
 24 assorted types of DRAM technology against defendant Rambus, Inc. ("Rambus") pending
 25 before this Court:

26 ***Abbreviated Case Name***

Case Number

Date Filed

27 Chernomorets v. Rambus

C 06 4852 WHA

08/10/06

28 Grande v. Rambus

C 06 4853 RMW

08/10/06

STIPULATION AND ORDER CONSOLIDATING CASES

Case No. C 06-4852

1	Seley v. Rambus	C 06 4987 PVT	08/17/06
2	Alvarez v. Rambus	C 06 4997 RS	08/18/06
3	Winder v. Rambus	C 06 5455 RS	09/06/06

4 WHEREAS, the five Rambus antitrust actions arise out of the same transactions and
 5 occurrences and involve the same or substantially similar issues of law and fact, and,
 6 therefore, are related within the meaning of Civil L.R. 3-12 and should be consolidated for all
 7 purposes under Federal Rule of Civil Procedure 42(a);

8 WHEREAS, on August 22, 2006, United States District Judge Ronald M. Whyte,
 9 pursuant to Civil L.R. 3-12 entered a Related Case Order in *Grande v. Rambus, Inc.*, No. C
 10 06-4853 RS, designating that action as related to an earlier filed action assigned to Judge
 11 Whyte, *Hynix Semiconductor v. Rambus, Inc.*, C 00-20905 RMW, and ordering that action to
 12 be reassigned to him.

13 WHEREAS, defendant takes no position as to the appointment of Lead Counsel; and

14 WHEREAS, plaintiffs and defendant, after meeting and conferring, agree that judicial
 15 economy will be served by setting a schedule for defendant's response to the complaint.

16 THEREFORE, IT IS STIPULATED AND AGREED by plaintiffs and defendant,
 17 through their respective counsel of record, as follows:

18 **I. CONSOLIDATION OF ACTIONS**

19 1. The following related actions are hereby reassigned to United States District
 20 Judge Ronald M. Whyte and consolidated into Civil Action No. C 06-4852 RMW for all
 21 purposes, including pretrial proceedings, trial and appeal:

22	<i>Abbreviated Case Name</i>	<i>Case Number</i>	<i>Date Filed</i>
23	Chernomoretz v. Rambus	C 06 4852 JCS	08/10/06
24	Grande v. Rambus	C 06 04853 RS	08/10/06
25	Seley v. Rambus	C 06 04987 PVT	08/17/06
26	Alvarez v. Rambus	C 06 4997 RS	08/18/06
27	Winder v. Rambus	C 06 5455 RS	09/06/06

28

2. All related actions that are now pending, subsequently filed in, or transferred to, this District shall be consolidated into this action for pretrial purposes. This Order shall apply to every such related action, absent order of the Court. A party that objects to such consolidation, or to any other provision of this Order, must file an application for relief from this Order within thirty (30) days after the date on which a copy of the order is mailed to the party's counsel, pursuant to Paragraph 10, *infra*.

3. This Order is entered without prejudice to the rights of any party to apply for severance of any claim or action, for good cause shown.

4. The docket in Civil Action No. C 06-4852 RMW shall constitute the Master Docket for this action.

5. The caption of these consolidated actions shall be "*In re Rambus Antitrust Litigation*" and every pleading filed in the consolidated actions, or in any separate action included herein, shall bear the following caption:

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE RAMBUS)	Case No. C 06-4852 RMW
ANTITRUST LITIGATION)	
)	
This Document Relates To:)	
)	
)	
)	

6. The file in Civil Action No. C 06 4852 RMW shall constitute a Master File for every action in the consolidated action. When a pleading is intended to be applicable to all actions governed by this Order, the words "All Actions" shall appear immediately after the words "This Document Relates To:" in the caption set out above. When a pleading is intended to be applicable to only some, but not all, of the consolidated actions, this Court's

1 docket number for each individual action to which the pleading is intended to be applicable
 2 and the abbreviated case name of said action shall appear immediately after the words "This
 3 Document Relates To:" in the caption described above (*e.g.*, "No. C 06-4852 RMW,
 4 *Chernomorets v. Rambus*").

5 7. A Master Docket and a Master File hereby are established for the above
 6 consolidated proceedings and for all other related cases filed in or transferred to this Court.
 7 Separate dockets shall continue to be maintained for each of the individual actions hereby
 8 consolidated, and entries shall be made in the docket of each individual case in accordance
 9 with the regular procedures of the clerk of this Court, except as modified by this Order.

10 8. When a pleading is filed and the caption shows that it is applicable to "All
 11 Actions," the clerk shall file such pleading in the Master File and note such filing on the
 12 Master Docket. No further copies need be filed, and no other docket entries need be made.

13 9. When a pleading is filed and the caption shows that it is to be applicable to
 14 fewer than all of the consolidated actions, the clerk will file such pleading in the Master File
 15 only but shall docket such filing on the Master Docket and the docket of each applicable
 16 action.

17 10. When a case which properly belongs as part of the In re Rambus Antitrust
 18 Litigation is filed in this Court or transferred to this Court from another court and assigned to
 19 this Court, the clerk of this Court shall:

- 20 a) Place a copy of this Order in the separate file for such action;
- 21 b) Mail to the attorneys for the plaintiff(s) in the newly-filed or transferred
- 22 case a copy of this Order;
- 23 c) Direct that this Order be served upon or mailed to any new defendant(s) or
- 24 their counsel in the newly-filed or transferred case; and
- 25 d) Make an appropriate entry on the Master Docket.

26 11. This Court requests the assistance of counsel in calling to the attention of the
 27 clerk of this Court the filing or transfer of any case which properly might be consolidated as
 28 part of In re Rambus Antitrust Litigation.

STIPULATION AND ORDER CONSOLIDATING CASES

Case No. C 06-4852

**II. APPOINTMENT OF CO-LEAD COUNSEL; LIAISON COUNSEL; AND
EXECUTIVE COMMITTEE**

12. The law firms of Finkelstein Thompson & Loughran, Lovell Stewart Halebian LLP, and Green Welling LLP shall be appointed Lead Counsel for plaintiffs in the consolidated Rambus antitrust actions.¹

13. The law firm of Green Welling LLP shall be designated Liaison Counsel.

14. Lead Counsel and the law firms of Chimicles & Tikellis LLP, and Miller Faucher and Cafferty LLP, shall form the Executive Committee which shall be consulted by Lead Counsel for significant decisions and for completing the necessary work in this case.

15. Lead Counsel shall have authority to speak for plaintiffs in matters regarding pretrial and trial procedure and settlement negotiations, and shall make all work assignments in such manner as to facilitate the orderly and efficient prosecution of this litigation and to avoid duplicative or unproductive effort.

16. Lead Counsel shall be responsible for coordination of all activities and appearances on behalf of plaintiffs and for the dissemination of notices and orders of this Court. No motion, request for discovery or other pretrial proceedings shall be initiated or filed by plaintiffs except through Lead Counsel.

17. Notwithstanding the above, any communications by the court or any party to plaintiffs in this action are effectively made upon all plaintiffs if delivered to Liaison Counsel. Liaison Counsel also shall be available and responsible for communications to and from this Court. Lead Counsel shall be responsible for the creation and maintenance of a master service list of all parties and their respective counsel.

18. Defendant's counsel may rely upon all agreements made with Lead Counsel, or other duly authorized representatives of plaintiffs, and such agreements shall be binding on plaintiffs.

¹ Defendant takes no position as to the appointment of the Lead Counsel, Liaison Counsel, or Executive Committee.

III. SCHEDULE

19. Plaintiffs shall no later than 75 days from the entry of this Order file and serve a Consolidated Complaint which will supersede all existing complaints filed in these actions. Defendant need not respond to any of the pre-existing complaints. Service shall be effected with respect to any defendant named in any of the consolidated actions by serving the Consolidated Complaint on that defendant or, with permission, that defendant's counsel.

20. Defendant shall answer or otherwise respond to the Consolidated Complaint no later than 75 days from the date of service. In the event that defendant files and serves any motion directed at the Consolidated Complaint, plaintiffs shall file and serve their opposition within 60 days after the service of defendants' motion. If defendant files and serves a reply to plaintiffs' opposition, it will do so within 30 days after service of the opposition.

21. This schedule is entered without prejudice to the rights of any party to apply for modification, for good cause shown.

IT IS SO STIPULATED.

DATED: September 20, 2006

GREEN WELLING LLP

By: /s/
Robert S. Green

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Attorneys for Plaintiff Chernomoretz

I, Robert S. Green, am the ECF user whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER. In compliance with General Order 45, X.B., I hereby attest that the other signators listed have concurred in this filing.

1 DATED: September 20, 2006

**FINKELSTEIN THOMPSON &
LOUGHRAN**

2
3 By: /s/
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15 *Attorneys for Sebastian Grande*

16 DATED: September 20, 2006

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24 *Attorneys for Shawn Seley*

25 DATED: September 20, 2006

CHIMICLES & TIKELLIS LLP

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Attorneys for Gregory Alvarez

1 DATED: September 20, 2006

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8 *Attorneys for Gregory Alvarez and Jason Winder*

9 DATED: September 20, 2006

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Attorneys for Jason Winder

15 DATED: September 20, 2006

WILSON SONSINI GOODRICH & ROSATI

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17 Maura L. Rees

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Attorneys for Defendant Rambus Inc.

23 **ORDER**

24 PURSUANT TO STIPULATION, IT IS SO ORDERED.

25
26 DATED: 10/18/06

/S/ RONALD M. WHYTE
27 THE HONORABLE RONALD M. WHYTE
28 UNITED STATES DISTRICT JUDGE